

21 C.J.S. Courts § 56

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

D. Jurisdiction of Person

4. Particular Circumstances or Actions Affecting Exercise of Personal Jurisdiction

§ 56. Torts as basis for personal jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  13.5(4) to 13.5(11)

Under various statutes, a person committing a tortious act in the state is subject to personal jurisdiction by the state's courts with respect to a cause of action arising from the act.

A state has an interest in exercising personal jurisdiction over those who commit torts within the state,¹ but the State's interest is not alone sufficient to establish personal jurisdiction in the absence of sufficient contacts by the defendant with the forum.² Ultimate liability for the tortious act and resulting injury is not a jurisdictional fact for purposes of a personal jurisdiction analysis.³

State statutes generally permit the exercise of personal jurisdiction over a person committing a tortious act in the state with respect to a cause of action arising from the act.⁴ For this purpose, a single act or omission in the state is sufficient,⁵ including an act committed in the forum,⁶ or in whole or in part in the forum.⁷

By some provisions, a tort is committed in the forum state when the injury results in the forum state⁸ without regard to whether the tortious act occurred in the forum state.⁹ Under other provisions, the location of the event causing the injury is determinative of jurisdiction as opposed to the location where the injured party experiences the consequences of the injury.¹⁰

Absent a tort committed in the forum, or injury resulting in the forum, there is no basis for personal jurisdiction.¹¹

CUMULATIVE SUPPLEMENT

Cases:

Trial court did not have personal jurisdiction over corporations that owned hotel in Pennsylvania based on the situs of hotel patron's alleged injury, under statute providing for personal jurisdiction over a non-domiciliary that committed a tortious act without the state causing injury to person or property within the state, in patron's action against corporations, alleging that when he returned home to New York, he was bitten by bedbugs that had lodged in his belongings while he was staying at hotel, where the event that gave rise to the injury namely, the bedbug infestation itself actually occurred in Pennsylvania, not in New York. [N.Y. CPLR § 302\(a\)\(3\)](#). [Peldman v. Kalahari Resorts, LLC](#), 208 A.D.3d 1107, 175 N.Y.S.3d 34 (1st Dep't 2022).

Non-resident retail store corporation's contacts with Texas were insufficient to confer a state court general jurisdiction over it, in negligence action arising from truck driver's death from injuries sustained while unloading cargo at non-resident corporation's facility, after corporation had purchased the cargo from Texas manufacturer; corporation did not have place of business in state, corporation was not registered to do business in state, corporation did not have a bank account in state, none of corporation's employees, officers, or directors resided in state, corporation did not own property or pay taxes in state, and corporation's only contacts with state were limited to contacts resulting from buyer/supplier relationship with manufacturer. [Wilco Farmers v. Carter](#), 558 S.W.3d 197 (Tex. App. Texarkana 2018).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—*Sledge v. Indico System Resources, Inc.*, 68 F. Supp. 3d 834 (W.D. Tenn. 2014) (applying Tennessee law).
N.C.—*Berrier v. CareFusion 203, Inc.*, 231 N.C. App. 516, 753 S.E.2d 157 (2014).
Tex.—*TV Azteca v. Ruiz*, 44 Media L. Rep. (BNA) 1443, 2016 WL 766927 (Tex. 2016).
- 2 Minn.—*Butler v. JLA Indus. Equipment, Inc.*, 845 N.W.2d 834 (Minn. Ct. App. 2014).
Tex.—*Moncrief Oil Intern. Inc. v. OAO Gazprom*, 414 S.W.3d 142 (Tex. 2013).
- 3 Tex.—*Dresser-Rand Group, Inc. v. Centauro Capital, S.L.U.*, 448 S.W.3d 577 (Tex. App. Houston 14th Dist. 2014).
- 4 U.S.—*Sledge v. Indico System Resources, Inc.*, 68 F. Supp. 3d 834 (W.D. Tenn. 2014) (applying Tennessee law).
Cal.—*Moncrief v. Clark*, 238 Cal. App. 4th 1000, 189 Cal. Rptr. 3d 864 (6th Dist. 2015), review denied, (Oct. 21, 2015).
Conn.—*Matthews v. SBA, Inc.*, 149 Conn. App. 513, 89 A.3d 938 (2014), certification denied, 312 Conn. 917, 94 A.3d 642 (2014).
Miss.—*Dunn v. Yager*, 58 So. 3d 1171 (Miss. 2011).
A.L.R. Library
In Personam Jurisdiction, Under Long-Arm Statute, over Nonresident Attorney in Legal Malpractice Action, 78 A.L.R.6th 151.
Construction and application of state statutes or rules of court predating in personam jurisdiction over nonresidents or foreign corporations on the commission of a tort within the state, 24 A.L.R.3d 532.
State's power to subject nonresident individual other than a motorist to jurisdiction of its courts in action for tort committed within state, 78 A.L.R.2d 397.
- 5 Mo.—*Andra v. Left Gate Property Holding, Inc.*, 453 S.W.3d 216 (Mo. 2015).
- 6 Fla.—*McLane v. Automotive Resource Network Holdings, Inc.*, 178 So. 3d 525 (Fla. 4th DCA 2015).
Miss.—*Miller v. Provident Advertising and Marketing, Inc.*, 155 So. 3d 181 (Miss. Ct. App. 2014), cert. denied, 154 So. 3d 33 (Miss. 2015) and cert. denied, 135 S. Ct. 2862, 192 L. Ed. 2d 897 (2015).
Mont.—*Tackett v. Duncan*, 2014 MT 253, 376 Mont. 348, 334 P.3d 920 (2014).
As to tortious acts committed outside the forum, see § 57.
- 7 Miss.—*Knight v. Woodfield*, 50 So. 3d 995 (Miss. 2011).
Last event occurs in forum
Wash.—*Pruczinski v. Ashby*, 185 Wash. App. 876, 343 P.3d 382 (Div. 3 2015), review granted, 183 Wash. 2d 1025, 355 P.3d 1154 (2015).
- 8 U.S.—*Sledge v. Indico System Resources, Inc.*, 68 F. Supp. 3d 834 (W.D. Tenn. 2014) (applying Tennessee law).
Miss.—*Dunn v. Yager*, 58 So. 3d 1171 (Miss. 2011).
N.H.—*Kimball Union Academy v. Genovesi*, 165 N.H. 132, 70 A.3d 435 (2013).

Ohio—*Simmons v. Budde*, 2015-Ohio-3780, 38 N.E.3d 960 (Ohio Ct. App. 10th Dist. Franklin County 2015).

Wash.—*Pruczinski v. Ashby*, 185 Wash. App. 876, 343 P.3d 382 (Div. 3 2015), review granted, 183 Wash. 2d 1025, 355 P.3d 1154 (2015).

9 U.S.—*Smith v. Antler Insanity, LLC*, 58 F. Supp. 3d 716 (S.D. Miss. 2014) (applying Mississippi law).

10 N.Y.—*Paterno v. Laser Spine Institute*, 24 N.Y.3d 370, 998 N.Y.S.2d 720, 23 N.E.3d 988 (2014).

11 Ind.—*Wolf's Marine, Inc. v. Brar*, 3 N.E.3d 12 (Ind. Ct. App. 2014).

Tex.—*DeWolf v. Kohler*, 452 S.W.3d 373 (Tex. App. Houston 14th Dist. 2014).

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